

ANNE MILGRAM
Attorney General of New Jersey
Attorney for Defendants
R. J. Hughes Justice Complex
PO BOX 112
Trenton, New Jersey 08625

By: Dianne M. Moratti
Deputy Attorney General
(609) 633-3985
DM7667

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
VICINAGE OF CAMDEN

	:	
	:	HON. ROBERT B. KUGLER, U.S.D.J.
	:	
IN RE BAYSIDE STATE	:	
PRISON LITIGATION,	:	Civil Action No. 97-5127(RBK)
	:	
	:	ORDER OF REFERENCE TO
	:	A SPECIAL MASTER

This matter having been jointly brought before the court by plaintiffs, though their attorneys Jaime Kaigh, Esquire, Justin Loughry, Esq., Larry Lindsay, Esq., Rodney Ray, Esq., Paul Hirsh, Esq., and Andrew J. Kyreakakis, Esq., and defendants, through their attorney Anne Milgram, the Attorney General of New Jersey, by Deputy Attorney General Dianne M. Moratti, and Mark Roselli, Esq, of Roselli Griegel, P.C., seeking an order referring this matter to a Special Master for resolution pursuant to Fed. R. Civ. P. 53(a)(1); and

WHEREAS, there are 234 plaintiffs and 147 defendants remaining on the court docket; and

WHEREAS, class certification was denied by Order of the court on April 25, 2000; and

WHEREAS, the appointment of a Special Master in these actions will assist the resolution of these individual claims and the formulation of a fair and efficient plan for the management of the individual claims; and

WHEREAS, the Court has discussed with counsel the appointment of the Honorable John W. Bissell as a Special Master to assist the Court in handling these individual claims; and

WHEREAS, the Honorable John W. Bissell has filed an affidavit disclosing whether there is any ground for disqualification under Fed. R. Civ. P. 53(b)(3), and grounds for disqualification have been disclosed, and the parties have consented to waive any disqualification; and

WHEREAS, the Court has considered the qualifications of the Honorable John W. Bissell and finds the Honorable John W. Bissell to be qualified to serve as Special Master;

IT IS on this 30th day of October, 2007 ORDERED THAT

1. Pursuant to Fed. R. Civ. P. 16, 26 and 53 and the inherent authority of the Court to supervise and administer pending cases, the Honorable John W. Bissell is hereby appointed Special Master for the purpose of assisting the Court in the resolution and management of the individual plaintiff claims. The Special Master shall proceed with all reasonable diligence in completing the duties and responsibilities set forth in this Order;

2. Subject to any specifications or limitations stated in this Order of Reference, the Special Master shall have all the rights, powers, and duties as provided to a master under Fed. R. Civ. P. 53.

3. The Special Master shall work with counsel to formulate a plan for the resolution of the remaining plaintiffs' claims. In creating this plan, the parties and the Special Master shall be guided by the terms of the agreement attached hereto as Exhibit A, the terms and conditions of which are incorporated herein by reference and made a part hereof as though more fully set forth herein at length.

4. In performing the Special Master duties, the Special Master shall become familiar with the individual plaintiffs' claims. Privileged information presented to the Special Master shall remain privileged and confidential, and shall be disclosed to the court only upon consent of counsel. The Special Master may adopt procedures beyond those set forth in Exhibit A to accomplish the Master's tasks efficiently and fairly.

5. The Special Master shall not engage in ex parte communications with either the court or counsel, unless all parties agree.

6. Plaintiffs' claims shall be subject to an in-person hearing, in accordance with the terms of the agreement attached as Exhibit A. All hearings shall take place at the federal courthouse in Camden.

7. Within 45 days following the conclusion of each hearing, the Special Master shall provide the court and the parties with a written report, in accordance with the terms of the agreement attached as Exhibit A. The Special Master must make and file with the court a complete record of the evidence considered in making or recommending findings of fact on the basis of evidence.

8. As a result of the consent of the parties set forth in Exhibit A, all findings of fact made or recommended by the Special Master shall be binding pursuant to Fed. R. Civ. P. 53 (g) (3). All conclusions of law made or recommended by the Special Master shall, upon the request of any party, be reviewed de novo by the court pursuant to Fed. R. Civ. P. 53 (g) (4).

9. The Special Master shall arrange with the Clerk of the court for use of court facilities, space and other items necessary to perform the duties of Special Master.

10. The Special Master may employ such other persons as the Special Master reasonably deems necessary to assist the Special Master in accordance with this Order of Reference. Such persons shall be under the Special Master's supervision and control and the Special Master shall take appropriate action to ensure that these persons observe the terms of this Order and preserve the confidentiality of matters submitted to the Special Master for review.

11. The Special Master shall be reimbursed in accordance with the Special Master billing agreement attached hereto as Exhibit B.

All compensation, at the rate set forth in Exhibit B, and expenses in connection with this Order of Reference shall be paid by the Office of the Attorney General.

12. In the event that the Honorable John W. Bissell is unable to continue as a Special Master, the parties shall mutually select a replacement. If the parties cannot mutually agree on a replacement, this Order of Reference shall terminate upon the request of either party to the court.

13. The Clerk shall furnish the Special Master a copy of this Order of Reference by mailing it to:


Hon. John W. Bissell
Connell Foley
85 Livingston Avenue
Roseland, N.J. 07068

14. Upon receipt of this Order of Reference, "the Special Master shall set a time and date for an initial meeting of counsel for all parties to be held at the federal courthouse in Camden, N.J. The meeting shall be held within 30 days following the date of this Order of Reference. The agenda for the first meeting shall include:

and to the extent not already done,

- (a) Consideration of procedures under which the Special Master shall act.
- (b) Establishment of a schedule of actions for the tasks contemplated by this Order.

- (c) Creation of a plan for the resolution of the remaining plaintiffs' claims, as guided by the terms of the agreement attached hereto as Exhibit A.
- (d) Clerical and other procedural matters.
- (e) Information transfer and submission of documents to the Special Master.



Hon. Robert B. Kugler, U.S.D.J.